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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,751	06/21/2001	Anthony J. Baerlocher	401961	6700
27717	7590	10/21/2003		
SEYFARTH SHAW 55 EAST MONROE STREET SUITE 4200 CHICAGO, IL 60603-5803			EXAMINER CAPRON, AARON J	
			ART UNIT	PAPER NUMBER
			3714	10

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/886,751

Applicant(s)

BAERLOCHER ET AL.

Examiner

Aaron J. Capron

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This is a response to the Amendment received on August 8, 2003, in which claims 1 and 13-14 were amended and claims 17-18 were added. Claims 1-7 and 13-18 are pending.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 and 13-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claims 1, 13 and 15, the claim language refers to first depressing a spin/stop button to start the spinning and then stopping the spinning reel based upon depressing the spin/stop button for the first time. Please clarify; otherwise, appropriate corrections are required. Claims 2-6, 14 and 16-18 are rejected based upon their dependencies on the independent claims listed above.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto et al. (U.S. Patent No. 6,004,208; hereafter "Takemoto") in view of Okada (U.S.

Patent No. 4,889,339), Lowden (U.S. Patent No. 5,630,586) and Heidel (U.S. Patent No. 5,342,047).

Referring to claim 13, Takemoto discloses a method of playing a game comprising the steps of providing a payline display having a plurality of display segments being a predetermined number of indicia (Figure 26A-27D); providing a player a plurality of stop buttons (game stop switches 109); enabling the player stop button for a first time; depressing the button to cause at least some of the display segments to spin, wherein one or more, but not all, of the plurality of display segments stop spinning after the enabled the button is depressed for the first time; enabling the second stop button for a second time; and depressing the enabled button for the second time to cause some of the display segments to stop spinning (Figures 9-10 and 5:53-58:some of the reels may stop due to a predetermined time lapse while other reels can still be stopped using the stop button), but does not disclose that a single stop button may exist to stop all of the spinning reels. However, Okada discloses the use of a player manipulated single stop button every time it is desired to stop a plurality of moving symbols columns one after the other (abstract) in order to lower the cost of manufacturing (1:30-42). One would be motivated to provide Takemoto with only a single stop button in order to lower the cost of manufacturing. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate only one stop button into the device of Takemoto in order to lower the cost of manufacturing. Takemoto and Okada do not disclose having a dealer to provide the step of enabling the buttons. However, Lowden discloses a method of playing a gaming machine at a table game apparatus wherein the player can bet on a dealer enabled player selected spin at the game in order to win prizes wherein the dealer performs the steps of enabling

the player to push use the buttons a plurality of times (4:61-65). One would be motivated to combine the references since Lowden discloses combining a gaming machine into a table type setting where a plurality of players can play the game together and this would allow the players to control the multiple spinning reels on the table. This form of a table game would attract players who normally would not play a slot machine type game and would attract players who would not normally play a table game (1:65-2:4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the gaming table feature of Lowden's into the gaming system of Takemoto and Okada in order to allow players to play the game together and therefore generate more interest in the game. Takemoto in view of Okada and Lowden discloses a game that has a separate start and stop button at each player terminal, but do not disclose having one single start/stop button. However, Heidel discloses that a single button can have multiple functions (Figure 1, items 32A-E). One would be motivated to combine the references in order to save manufacturing costs by only having one button instead of a multiple of buttons (Okada 1:30-42). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Heidel's having one single button having multiple functions into the gaming device of Takemoto, Okada and Lowden's in order to save on manufacturing costs.

Referring to claim 14, Takemoto in view of Okada, Lowden and Heidel disclose the step of providing additional spin/stop buttons at different stations on the table top, and enabling different spin/stop buttons during different rounds of play, the spin/stop buttons alternately controlling the same plurality of display segments (4:38-47 and 4:61-65)

Referring to claims 2 and 4, Takemoto in view of Okada, Lowden and Heidel disclose the player providing a wager prior to starting the game (Lowden abstract).

Claims 1, 3, 5-7 and 18 correspond in scope to a method set forth for use of the method listed in the claims above and are encompassed by use as set forth in the rejection above.

Claims 15-17 correspond in scope to a method of playing a casino game set forth for use of the method of playing a game listed in the claims above and are encompassed by use as set forth in the rejection above.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-7 and 13-18 have been considered but are moot in view of the new ground(s) of rejection.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-Th 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ajc

  
S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
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